

CLEAN WATER ACT

2-89. Removal of Discharge or Threat of Discharge

1. AUTHORITY. Pursuant to section 311(c) of the Clean Water Act, as amended, (CWA):
  - a. To remove or arrange for the removal of a discharge and to mitigate or prevent a substantial threat of a discharge;
  - b. To direct or monitor all Federal, State, and private actions;
  - c. To remove and, if necessary, destroy a vessel that is discharging or threatening to discharge;
  - d. To consult with affected trustees; and
  - e. To determine when the removal is complete.
2. TO WHOM DELEGATED. Director, Hazardous Site Cleanup Division (HSCD); Associate Division Director, Office of Preparedness and Response, HSCD; Chief, Eastern Response Branch, HSCD; Chief, Western Response Branch, HSCD; and to On-Scene Coordinators.
3. LIMITATION.
  - a. The authority in Paragraph 1.e. is limited by Section 1011 of the Oil Pollution Act to cases that involve the discharge of oil.
  - b. The authority in Paragraph 1.a, 1.b, 1.c, and 1.d is to be exercised in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and appropriate Area Contingency Plans, in order to ensure immediate and effective response.
  - c. The authority in Paragraph 1.b as it pertains to the issuance of orders does not extend to the authorities provided by Section 311(e) of the CWA or to any order issued pursuant to an Administrative Order by Consent.
4. REDELEGATION AUTHORITY. These authorities may not be redelegated without formal amendment.

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2-89. Removal of Discharge or Threat of Discharge (cont.)

5. ADDITIONAL REFERENCES.

a. Headquarters Delegation 2-85, January 19, 1993, entitled AAdministrative Orders Under Section 311(e) of the Clean Water Act.@

b. NCP, 40 CFR Part 300.

c. RCP, June 1, 1991, and as amended.

6. SUPERSESSSION. Delegations Manual, CWA, Regional Delegation 2-89. Removal of Discharge or Threat of Discharge, 1200 TN RIII-143 (November 1, 2000 ).

Date 9/1/05

/s/ James W. Newsom for  
Donald S. Welsh  
Regional Administrator